

CIVIL REVISION APPLICATION NO. 7 OF 2003.

Joaquim Francis Fernandes
(dead) through his LRs.

- 1a. Aloysius Paul Fernandes
- 1b. Bosco Bruno Fernandes
- 1c. Bernard Fernandes
- 1d. Remedio James Fernandes
- 1e. Maria Juliana Fernandes
- 1f. Michael G.V. Fernandes
- 1g. Tereze Fernandes
- 1h. Joaquim Fernandes
All r/o Candolim, Goa.
2. Smt. Ana Maria Joanita Fernandes
r/o Bhuttem Bhat, Mercês.
3. Smt. Martina Adelia Fernandes
r/o Corlim, Ilhas, Goa.
4. Smt. Arcanjela Fernandes
r/o Premeiro Bairro, Santa
Cruz, Ilhas, Goa.
5. Agostinho Matias Balbino
Fernandes (since deceased
through his LRs.)
- 5a. Maria Merciana Vaz e
Fernandes, r/o Candolim. ... Applicants.

Versus

1. Deputy Collector (L.A.)
& L.A.O., Panaji, Goa.
2. Town Planner, Town and
Country Planning Dept.,
Panaji.
3. Domingos Jose Crisanto
Fernandes, r/o Candolim. ... Respondents.

Mr. Joseph Vaz, Advocate for the Applicants.

Mr. P.A. Kamat, Addl. Govt. Advocate for the Respondents
1 and 2.

Coram: P.V. HARDAS, J.

Date: 20th March 2003.

ORAL ORDER.

This Civil Revision Application is filed
against the Order of the learned Additional Registrar,
dated 27th February 2003, by which the learned

Additional Registrar has dismissed the pending proceedings, namely, Miscellaneous Civil Application at Stamp No. 2631/01 for want of prosecution. The order sheet of the aforesaid Miscellaneous Civil Application shows that on two occasions none represented the applicants before the Additional Registrar when the matter was fixed for Orders. In the Civil Revision Application it is stated that the learned counsel could not attend the case when it was fixed before the Additional Registrar on two occasions as the learned counsel missed noting the case in the cause list. It is further stated in the affidavit filed in the Civil Revision Application that the counsel representing the applicants, who was present in the Court, was unaware of the matter being fixed before the Additional Registrar. In view of the contents of the affidavit, I am inclined to grant an opportunity to the applicants to cure the objection for which the Miscellaneous Civil Application at Stamp No. 2631/01 was dismissed for want of prosecution by the learned Additional Registrar.

2. The Civil Revision Application is, accordingly, allowed. The impugned Order, dated 27th February 2003, passed by the learned Additional Registrar, dismissing the Miscellaneous Civil Application at Stamp No. 2631/01 for want of prosecution is quashed and set aside. Mr. Vaz, the

learned counsel appearing for the applicants, undertakes to file a second set of the Miscellaneous Civil Application on or before Monday, the 24th March 2003. No order as to costs.

(P.V. HARDAS)
JUDGE.

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